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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,628	12/31/2001	JianMin Wu	INMEP0105US	5838

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EXAMINER

ALI, SYED J

ART UNIT PAPER NUMBER

2195

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,628

Applicant(s)

WU ET AL.

Examiner

Syed J. Ali

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed September 8, 2005. Claims 21-28 are presented for examination.
2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Objections

3. **Claim 27 is objected to because of the following informalities:**
 - a. In line 4 of claim 27, "with" should read "the".Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. **Claims 21-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Kung et al. (USPN 6,570,855) (hereinafter Kung).**
5. As per claim 21, Kung teaches the invention as claimed, including a method for balancing workload in a Voice-over-Internet Protocol (VoIP) system that has at least one VoIP client and plural VoIP proxy servers that share workload data therebetween (col. 3 lines 30-35), one of the VoIP proxy servers being a primary VoIP proxy server for the VoIP client, comprising:

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- a) the primary VoIP proxy server receiving a call connection request from the VoIP client (col. 9 lines 11-12);
- b) the primary VoIP proxy server determining if the primary VoIP proxy server has a workload exceeding a predefined threshold and, if not, the primary VoIP proxy server connecting with the client to complete the call (col. 30 lines 40-42, 49-53, 62-65), else:
 - i) selecting a delegate VoIP proxy server using the sharing workload data, the delegate VoIP proxy server having a lower workload than at least one other of the plural VoIP proxy servers (col. 31 lines 2-17); and
 - ii) forwarding the request to the selected delegate VoIP proxy server (col. 31 lines 18-22); and
- c) the delegate VoIP proxy server carrying out b) in place of the primary VoIP proxy server until one of the plural VoIP proxy servers connects with the client to complete the call, the connecting by the delegate VoIP proxy server including transmitting the identity of the delegate VoIP proxy server to the VoIP client (col. 31 lines 22-30).

6. As per claim 22, Kung teaches the invention as claimed, including the method according to claim 21, wherein the VoIP proxy servers share workload data by spontaneously passing the workload data to each other (col. 30 lines 17-34; col. 31 lines 5-17).

7. As per claim 23, Kung teaches the invention as claimed, including the method according to claim 21, wherein the VoIP proxy server processing the request in b) polls the other VoIP proxy servers for workload data (col. 30 lines 17-34; col. 31 lines 5-17).

8. As per claim 24, Kung teaches the invention as claimed, including the method according to claim 21, wherein each VoIP proxy server continuously collects workload data from each other VoIP proxy server (col. 30 lines 17-34; col. 31 lines 5-17).

9. As per claim 25, Kung teaches the invention as claimed, including the method according to claim 21, wherein the call connection request and the connection between VoIP client and VoIP proxy server are not managed by a dedicated load balancing server (col. 30 line 66 - col. 31 line 17).

10. As per claim 26, Kung teaches the invention as claimed, including the method according to claim 21, wherein the identity of the delegate VoIP proxy server connecting with the VoIP client is transmitted from the delegate VoIP proxy server to the VoIP client in a logically direct manner (col. 31 lines 22-30).

11. As per claim 27, Kung teaches the invention as claimed, including the method according to claim 21, wherein the identity of the delegate VoIP proxy server connecting with the VoIP client is transmitted from the delegate VoIP proxy server to the VoIP client through a reverse order of the VoIP proxy server or servers that forwarded the request (col. 31 lines 18-30).

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12. As per claim 28, Kung teaches the invention as claimed, including the method according to claim 21, further comprising exchanging voice and video data between the VoIP client and the connected VoIP proxy server (col. 3 lines 30-35).

Response to Arguments

13. **Applicant's arguments with respect to claims 21-28 have been considered but are moot in view of the new grounds of rejection.**

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art search revealed numerous references that teach load balancing by shifting requests from a primary server to one or more secondary servers, e.g. Pullara et al. (US 2003/0014526). But most revealing was the disclosure of Ma et al. (USPN 6,795,855) which indicated that the claimed method of load balancing is conventional in Internet telephony (col. 2 lines 8-15, "In a typical IP telephony system, the service provider initially installs and maintains a single Gatekeeper that services all its IP telephony calls. With the many varied tasks required of the Gatekeeper, however, the Gatekeeper tends to become overloaded, thereby slowing its operation and degrading the service it provides. When such overloading occurs, the service provider deploys additional Gatekeepers within the system to handle the additional load.") The art of record, Kung, teaches these conventional methods.

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Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J. Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T. An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

MENG-AI T. AN
SUPERVISOR
TECHNOLOGY CENTER 2160

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
October 26, 2005